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RESOLUTION NO. 04-517

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **127TH STREET EAST, FROM THE NORTH LINE OF PAWNEE TO THE NORTH LINE OF SIERRA HILLS, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, 472-83964**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING **127TH STREET EAST, FROM THE NORTH LINE OF PAWNEE TO THE NORTH LINE OF SIERRA HILLS, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, 472-83964**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1: That Resolution No. **04-115** adopted on **March 16, 2004** is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve **127th Street East, from the north line of Pawnee to the north line of Sierra Hills, an Addition to Wichita, Sedgwick County, Kansas, 472-83964**.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Two Hundred Sixty Thousand Dollars (\$260,000.00)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **February 1, 2004**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

SIERRA HILLS ADDITION

Lots 1-21, Block 1
Lots 1-23, Block 2
Lots 1-7, Block 3
Lots 1-21, Block 4
Lots 1-53, and Lots 58-73, Block 5

TRACT A:

Lot 57, Block 5, together with the North 37.5 feet of Lot 56, Block 5, Sierra Hills, An

Addition to Wichita, Sedgwick County, Kansas.

TRACT B:

Lot 56, Block 5, except the North 37.5 feet thereof, together with the North 75 feet of Lot 55, Block 5, Sierra Hills, An Addition to Wichita, Sedgwick County, Kansas.

TRACT C:

Lot 55, Block 5, except the North 75 feet thereof, together with Lot 54, Block 4, Sierra Hills, An Addition to Wichita, Sedgwick County, Kansas.

PARCEL 2

S1/2 SE 1/4 EXC E 30 FT & S 40 FT FOR RD. SEC 34-27-2E, Sedgwick County, Kansas

PARCEL 3

W1/2 S 1/2 N1/2 SE1/4 SEC 34-27-2E, and W1/2 N1/2 N1/2 SE1/4 SEC 34-27-2E, Sedgwick County, Kansas

PARCEL 4

The West 983.38 feet of the South 541.18 feet of the N1/2 of the SW 1/4 of Section 35-27S-2E, Except the West 30 feet thereof for road, Together with The West 983.38 feet of the North 392.2 feet of the S1/2 of the SW1/4 of Section 35-27S-2E, Except the West 30 feet thereof for road, All situated in Wichita, Sedgwick County, Kansas.

PARCEL 5

A parcel of land lying on the Southwest Quarter of Section 35, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows: Beginning at the Southwest corner of said Quarter; thence on a Kansas South Zone Grid Bearing of N00°48'39" W, 927.80 feet along the West line of said Quarter; thence N89°11'21"E, 983.38 feet; thence S00°48'39" E parallel with said West line, 923.80 feet to a point on the South line of said Quarter; thence S88°57'21"W, 983.39 feet along said South line to the point of beginning.

PARCEL 6

E1/2 N1/2 N1/2 SE1/4 EXC E 30 FT FOR RD. SEC 34-27-2E, Sedgwick County, Kansas.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

That each of the following lots and tracts in Sierra Hills shall each pay 1/592 of the total cost payable by the improvement district:

SIERRA HILLS ADDITION

Lots 1-21, Block 1

Lots 1-23, Block 2

Lots 1-7, Block 3

Lots 1-21, Block 4
Lots 1-53, and Lots 58-73, Block 5

TRACT A:

Lot 57, Block 5, together with the North 37.5 feet of Lot 56, Block 5, Sierra Hills, An Addition to Wichita, Sedgwick County, Kansas.

TRACT B:

Lot 56, Block 5, except the North 37.5 feet thereof, together with the North 75 feet of Lot 55, Block 5, Sierra Hills, An Addition to Wichita, Sedgwick County, Kansas.

TRACT C:

Lot 55, Block 5, except the North 75 feet thereof, together with Lot 54, Block 4, Sierra Hills, An Addition to Wichita, Sedgwick County, Kansas.

That Parcel 2 shall pay 222/592 of the total cost payable by the improvement district.

That Parcel 3 shall pay 111/592 of the total cost payable by the improvement district.

That Parcel 4 shall pay 20/592 of the total cost payable by the improvement district.

That Parcel 5 shall pay 40/592 of the total cost payable by the improvement district.

That Parcel 6 shall pay 55/592 of the total cost payable by the improvement district.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body

as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, September 21, 2004.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)